

TO: CITY MANAGER

1997 May 21

FROM: APPROVING OFFICER

**SUBJECT: DELEGATION REGARDING THE PROPOSED SUBDIVISION OF
4641 GRAFTON STREET - SUBDIVISION REFERENCE #40/97**

PURPOSE: To provide Council with background information with respect to the proposed subdivision of 4641 Grafton Street.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to Mr. Victor Stusiak, Apac Service Inc., 8388 Hollis Place, Burnaby, B.C. and Mr. Tomo Bulic, 5970 Nelson Avenue, Burnaby, B.C.

REPORT

1.0 **BACKGROUND:**

In 1990, the Planning Department received an application to subdivide the above-referenced property. When considering the necessary road and lane dedications, the net yield from the property was two lots, each with two family potential and each able to attain the maximum Floor Area Ratio of 370 m² (3982.8 sq. ft.). (See sketch **attached**) Subsequent to the normal circulation of the proposal, Tentative Approval was issued on 1990 August 06. This subdivision was not pursued.

On 1996 October 30, the registered owner, Mr. Tomo Bulic, attended to the Planning Department and met with staff. At that time he inquired about the possibility of subdividing to achieve three lots. It was explained at this meeting that as there were requirements for road and lane dedications, there would be insufficient width and area for 3 lots.

Planning subsequently received a letter from Apac Service Inc. dated 1996 December 29 in which it was stated that Mr. Bulic felt that the conditions for subdivision outlined in the letter of Tentative Approval of 1990 August 16 were excessive and unfair. In our letter of 1997 January 15 (copy **attached**), we responded to the issues that were raised.

2.0 CURRENT SITUATION:

On 1997 May 05, Planning received a new application for the subdivision of the above-referenced property and staff are currently processing this in the normal manner. As there have been no significant changes in the neighbouring area since the original application was processed, it is unlikely that there will be any changes in the conditions of subdivision, e.g.. there will continue to be a requirement to dedicate and construct lane and road, construct storm and sanitary sewer and provide for parkland via the Parkland Acquisition Levy. Under the Subdivision Bylaw, the subdivider is required to provide these works, rather than the works being financed by the taxpayers through a Local Improvement Program (L.I.P.) Therefore, staff will continue to process the subject application in the normal manner.

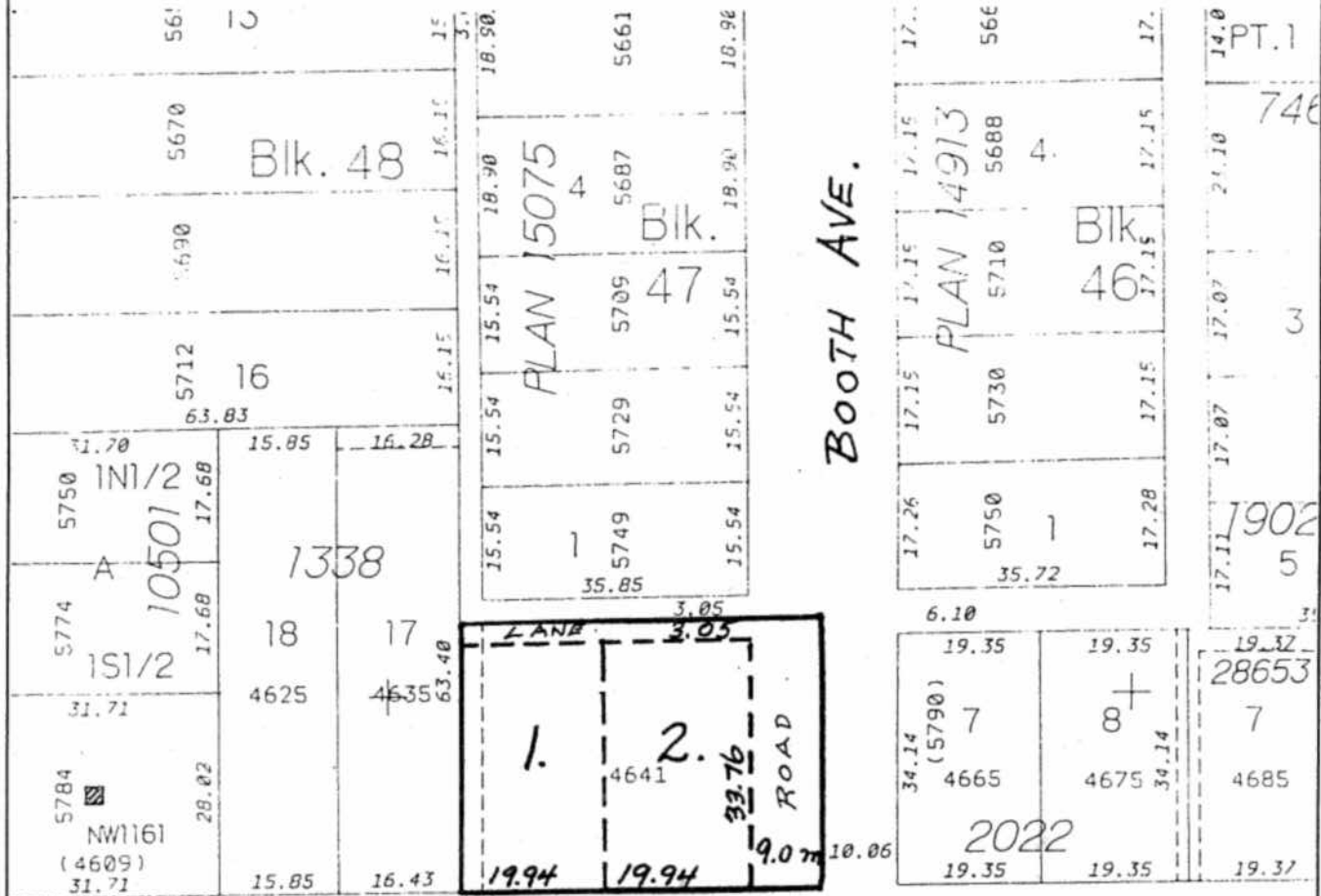
This is for the information of Council.



D. G. Stenson
APPROVING OFFICER

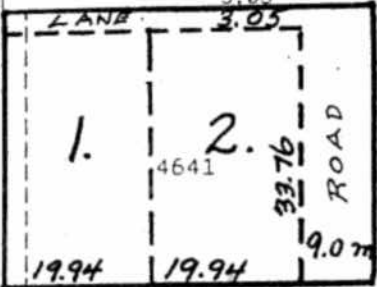
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Attachment

cc: Director Engineering



GRAFTON ST.

BOOTH AVE.



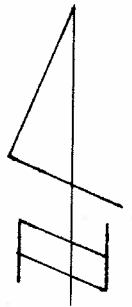
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PROPOSED SUBDIVISION OF
4641 GRAFTON STREET



1997 January 15

Mr. Victor Stusiak
Apac Service Inc.
8338 Hollis Place
Burnaby, B.C. V5J 4Z8

Dear Sir:

**RE: SUBDIVISION REFERENCE #62/90
4641 Grafton Street**

Further to your letter received on 1997 January 06 on the above-referenced subdivision, the following comments refer.

Your submission makes note that the roads immediately abutting 4641 Grafton are currently constructed to what is termed an 'interim' standard and for this reason, our Tentative Approval letter of 1990 August 16 and the attached report from the City Engineer show as requirements dedication and construction to an 'interim' not a 'finished' standard on Booth Avenue. This is a policy that has applied consistently when a two lot subdivision abutting streets constructed to an interim standard has been approved.

With respect to the dedication and construction of the lane on the north side of this property, you have noted that this was a condition of Tentative Approval to subdivide given in 1990. Provision of lane access to residential properties has been established as a pattern in this area. Dedication of land for lane purposes has been a requirement of past subdivisions in this block and continues to be a requirement to provide for the continuation and completion of this pattern. It has been Burnaby's standard practice for a significant number of years that when we achieve the standard 6.1m lane dedication during subdivision, the Approving Officer requires that construction take place as an integral part of the development. It is confirmed that this would continue to be a requirement for subdivision of 4641 Grafton Street.

With reference to the Parkland Acquisition Levy, the method employed to satisfy the community's need for parkland in connection with the subdivision process in Burnaby is through a Development Cost Charge authorized by bylaw adopted pursuant to Section 983 (2) (b) and(c) of the Municipal Act which reads, in part:

.../2

- (2) *A local government may, by bylaw, for the purpose of providing funds to assist the local government to pay the capital costs of.....*
- (b) *providing park land to service,*
- directly or indirectly, the development for which the charge is being imposed, impose development cost charge on every person who obtains*
- (c) *approval of a subdivision or*
- (d) *a building permit....."*

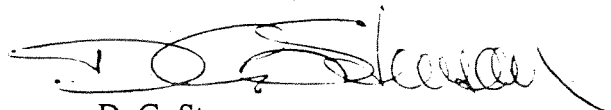
While the Province's legislation sets a limit on the number of units related to imposition of DCC's in connection with issuance of a building permit, it is clear that there is no limit stipulated on the number of lots created through approval of a subdivision to which this Parkland Acquisition Levy is applicable. Since its inception, it has been consistently applied to all subdivisions irrespective of the number of lots created. Further, you should be aware that no requirement has been imposed for park land pursuant to Section 992 of the Act.

With respect to your references to the use of local improvement projects as the means of effecting physical improvements to public services relating to a subdivision, you are advised that Burnaby, under its Subdivision Bylaw, requires that the subdivider be responsible for those works, rather than the works being financed by the taxpayers through an L.I.P.

In a meeting with Mr. Bulic, Tony Bulic and Mary Burdeny on 1996 October 30, Ms. Duncalf and Ms. Manoloudis of this department reiterated that Subdivision Reference #62/90 is considered to be inactive and if Mr. Bulic wishes to proceed with the subdivision of 4641 Grafton Street, it will be necessary to reapply and submit the \$525.00 application fee.

We trust this is sufficient information for your current needs. If we can of further assistance or clarification of the above is required, please do not hesitate to contact this department.

Yours truly,



D. G. Stenson
APPROVING OFFICER



SAM:hr

